

REMARKS

Applicants acknowledge the receipt of the Office Action dated 8 June 2005 in which the Examiner:

- 1) vacated the Notice of Allowance mailed 27 April 2005 and reopened prosecution; and
- 2.) rejected claims 1, 25, and 45 under 35 U.S.C. 102(e) as being anticipated by *Ahn et al.* (US Pat. No. 6,873,819).

In this Response, Applicants are:

- 1) Submitting a Declaration of Prior Invention under 37 C.F.R. 1.131.

A. Declaration of Prior Invention under 37 C.F.R. 1.131

The Examiner has rejected claims 1, 25, and 45 under 35 U.S.C. § 102(e) as being anticipated by *Ahn et al.*, (U.S. Patent No. 6,873,819). In a Declaration of Prior Invention under 37 C.F.R. 1.131 submitted herewith, the inventors of the present application jointly declare they conceived their claimed invention prior to the effective date *Ahn* qualifies as 102(e) prior art. The effective date *Ahn* qualifies as 102(e) prior art is 4 August 2003. The inventors declare they conceived their claimed invention not later than about 14 April 2003. Further, the inventors declare they pursued their claimed invention with due diligence, filing the present application in the United States Patent and Trademark Office on 25 August 2003.

Applicants therefore submit that the rejections based on *Ahn* are improper. Therefore claims 1, 25, and 45 and all claims depending therefrom are in condition for allowance.

Applicants respectfully request consideration of the above remarks and the Declaration submitted herewith. Having addressed each of the claims and having provided arguments in favor of allowance, Applicants feel the claims are in condition for allowance. If the Examiner feels a telephone conversation is necessary for discussing the issues, he is invited to call the number indicated below.

Respectfully submitted,

COATS & BENNETT, P.L.L.C.

By:



David D. Kalish
Registration No. 42,706

P.O. Box 5
Raleigh, NC 27602
Telephone: (919) 854-1844



Serial No.: 10/647,420
Matter: 2002-0848.02/4670-178

CERTIFICATE OF MAILING

I HEREBY CERTIFY THAT THIS DOCUMENT AND THE DECLARATION OF PRIOR INVENTION ARE BEING DEPOSITED WITH THE UNITED STATE POSTAL SERVICE, ON THE DATE INDICATED BELOW, AS FIRST CLASS MAIL, POSTAGE PREPAID, IN AN ENVELOPE ADDRESSED TO: **Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

Signature: _____

A handwritten signature in cursive script, appearing to read "Amy J. Martin", written over a horizontal line.

Name: Amy J. Martin

Date: _____

8/15/05